

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Scott Smith,

COURT FILE NO. _____

Plaintiff,

vs.

ZIMCO Corporation; Robert J. Feuling,
as Trustee of the Robert J. Feuling Revocable
Trust Agreement dated October 23, 2009; and
Linda D. Feuling, as Trustee of the
Linda D. Feuling Revocable Trust Agreement
dated December 29, 2011,

Defendants.

NOTICE OF REMOVAL

1. This action is removed in accordance with 28 U.S.C. § 1441 (2018).
2. The United States District Court has original jurisdiction over Count I of Plaintiff's Complaint in accordance with 28 U.S.C. § 1331 (2018) because the claim arises under 42 U.S.C. § 12181, *et seq.*, a federal statute.
3. Plaintiff, Scott Smith, is, upon information and belief, a Minnesota citizen.
4. Defendant, Zimco Corporation, is a Minnesota corporation with its principal place of business in Minnesota.
5. Defendants, Robert J. Feuling as Trustee of the Robert J. Feuling Revocable Trust Agreement dated October 23, 2009, and Linda D. Feuling as Trustee of the Linda D. Feuling Revocable Trust Agreement dated December 29, 2011 are Minnesota citizens.
6. The United States District Court for the District of Minnesota is the proper court for removal. The action was pending in Stearns County, Minnesota.

7. The notice of removal has been served within 30 days after Zimco first received a copy of the summons and complaint.

8. Mr. and Mrs. Feuling have settled Mr. Smith's claims against them and reduced that settlement agreement to writing. The settlement agreement has not been signed yet but should be in the coming days, at which point Mr. Smith's claims against them will be dismissed. To the extent that they remain an interested party, Mr. and Mrs. Feuling join in the filing of this notice of removal.

9. Zimco, the removing party has filed a copy of the notice of removal with the Stearns County District Court and has served Scott Smith and the Feulings with a copy of the notice.

10. Zimco has attached copies of all process, pleadings, and orders in the state court action.

Dated this 8th day of January, 2018.

RAJKOWSKI HANSMEIER LTD.

By s/Christopher A. Wills
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